

Application No.: 10/676,404
Amendment Dated: May 26, 2005
Reply to Office Action of: March 3, 2005

MTS-3474US

Remarks/Arguments:

CLAIM STATUS

Claims 1-2, 4-12 and 14-25 were pending and stood rejected.

By this Amendment, claims 1, 5, 10-11, 16, 21 and 23-24 are amended.

Applicants contend that no new matter has been added by the claim amendments, and accordingly, entry and approval of same is respectfully requested. Support for the claim amendments is found throughout the specification, and, more particularly, in the specification, for example, at page 18, second through fourth paragraphs and page 28, last paragraph.

Entry of Amendment Under 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Amendment because it incorporates certain features of claim 25 into the independent claims, thereby placing the application in condition for allowance.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in an Advisory Action.

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SPECIFICATION AMENDMENT

The specification was objected to for an informality therein. The informality has been corrected. Accordingly, it is submitted that the rejection has been overcome.

Reconsideration is respectfully requested.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a) AS OBVIOUS OVER MANSOUR ET AL. IN VIEW OF FIEDZIUSZKO ET AL.

In the Office Action at page 2, claims 1, 2, 4, 11, 15 and 22-25 were rejected under 35 U.S.C. §103(a) as obvious over WO 01/43221 to Mansour et al. (hereinafter referred to as Mansour) in view of U.S. Patent No. 4,692,723 to Fiedziuszko et al. (hereinafter referred to as Fiedziuszko).

Reconsideration is respectfully requested.

Claim 1

Claim 1 now recites certain features of claim 25, namely "a dielectric element including a dielectric element surface to which a generated electric field is substantially orthogonal; a housing accommodating said dielectric element and having a housing surface that is opposed to the dielectric element surface; and a holding member disposed between the dielectric element surface and the housing surface so as to hold said dielectric element, a permittivity of the holding member being less than that of the dielectric element."

Mansour Reference

Mansour discloses a support 54 to space the half disk resonator structure 52 away from the housing 56 and a flat edge wall 60 of the half disk resonator structure 52 to interact with a dielectric/air interface 64. "The dielectric/air interface 64 approximates a magnetic wall for the half disk resonator structure 52..." (See

Mansour at page 5, lines 3-7.) That is, as clearly shown in Fig. 4C the electric fields are parallel (i.e., are not orthogonal to the flat edge wall 60). More particularly, Mansour discloses at page 5, line 14-18 that:

...the half disk resonator structure 52 of FIG. 4 uses the dielectric/air interface 64 to form **a magnetic wall** and to image **the electric field parallel to the magnetic wall**. The resonator 52 thus does not lose energy through a lossy electric wall.

(emphasis added). Contrary to the structure disclosed by Mansour, the structure recited in claim 1 includes a dielectric element having "a dielectric element surface to which a generated electric field is substantially orthogonal." Moreover, Mansour teaches away from the electric fields being orthogonal to the flat edge wall 60, because such a structure is purported to be disadvantageously lossy by Mansour.

Accordingly, one of ordinary skill in the art would not combine the teachings of Mansour with any other reference (i.e., including the Fiedziuszko reference) to produce the invention recited in claim 1 because no motivation would exist for such a combination due to this disadvantage.

Fiedziuszko Reference

It is submitted that the additional reference to Fiedziuszko does not overcome the deficiencies of Mansour because Fiedziuszko does not disclose or suggest a dielectric element having a dielectric element surface to which a generated electric field is substantially orthogonal and a holding member disposed between the dielectric element surface and the housing surface. This is because, Fiedziuszko discloses dielectric resonators 6 which are disk shaped. Moreover, the E-vector, which is shown, for example, in FIG. 1 of Fiedziuszko, is not substantially orthogonal to any surface of these dielectric resonators.

Moreover, combining the teachings of Mansour and Fiedziuszko is improper for the reasons set forth above.

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Thus, the cited art taken singularly or in any proper combination does not anticipate or render obvious claim 1, and, accordingly, claim 1 is submitted to be allowable.

Independent claims 11 and 23-25

Claims 11 and 23-25, which include the same or similar features to those of claim 1, are also submitted to be allowable for the same or similar reasons to those of claim 1.

Dependent claims 2, 4, 12, 15 and 22

Dependent claims 2, 4, 12, 15 and 22 include all of the features of their respective independent claim from which they ultimately depend. Thus, Applicants contend that claims 2-4, 12, 15 and 22 are also allowable for at least the reasons set forth above.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a) AS OBVIOUS OVER MANSOUR IN VIEW OF FIEDZIUSZKO AND NISHIKAWA ET AL.

In the Office Action at page 5, claims 5-10 and 16-21 were rejected under 35 U.S.C. §103(a) as being obvious over Mansour in view of Fiedziuszko and in further view of U.S. Patent No. 4,423,397 to Nishikawa et al. (hereinafter referred to as Nishikawa).

Reconsideration is respectfully requested.

Claims 5-10 and 16-21 ultimately depend from either claim 1 or claim 11 and are submitted to be allowable over Mansour and Fiedziuszko for the reasons set forth above regarding claims 1 and 11.

It is submitted that the additional reference of Nishikawa does not overcome the deficiencies of Mansour and Fiedziuszko because Nishikawa does not disclose or suggest a dielectric element having a dielectric element surface to which a generated electric field is substantially orthogonal and a holding member disposed between the

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dielectric element surface and the housing surface. For example, Fig. 2 of Nishikawa shows an E-vector parallel to the resonator surfaces and the other Figs. do not include a holding member as recited in claim 1 or claim 11.

Moreover, combining the teachings of Mansour with either Fiedziuszko or Nishikawa is improper for the reasons set forth above.

Thus, the cited art taken singularly or in any proper combination does not anticipate or render obvious claim 1 or claim 11, and, accordingly, claims 5-10 and 16-21, which ultimately depend from one of these claims, are submitted to be allowable for at least the same reasons as claim 1 or claim 11.

Conclusion

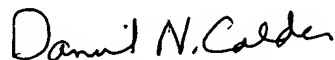
In view of the amendments and remarks set forth above, Applicants respectfully submit that claims 1-2, 4-12 and 14-25 are in condition for allowance

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and early notification to that effect is earnestly solicited.

Respectfully submitted,



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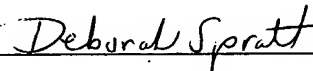
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 26, 2005.

Deborah Spratt



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